



Federal Update for May 11 - 15, 2015



VA Caregiver Program Update ► S.1085 | Cover Pre-911 Vet Care

Today, there are several programs to support spouses and parents who care for injured service members from the post-9/11 era. The VA provides a monthly stipend, travel expenses, access to health insurance, mental health services, training and respite care for designated caregivers. The Defense Department also provides special compensation for caregivers who give up employment to care for their ill or injured service member. But for the families of countless other veterans injured before Sept. 11, 2001, there is no help beyond medical services. Some members of Congress want to change that. For the second straight year, Sen. Patty Murray (D-WA) has introduced the Military and Caregiver Services Improvement Act to extend benefits to those who help injured or ill veterans of all eras — not just post-9/11, Iraq- and Afghanistan-era veterans.

Murray's bill also would remove restrictions on who is eligible to receive benefits as a caregiver — to include siblings and friends — and would allow veterans to transfer their Post-9/11 GI Bill benefits to dependents and make the DoD's compensation tax-exempt, among other changes. Murray said the legislation is needed because some caregivers devote full-time hours to supporting their loved ones and need assistance. "These caregivers don't necessarily wear uniforms or go overseas but they serve our country nonetheless. ... They are a critical support system for our veterans yet they ask for very little in return," Murray said. According to Murray's office, there are 5.5 million caregivers of veterans and service members in the U.S., 1.1 million of them caring for post-9/11 veterans. The Congressional Budget Office last year estimated that the legislation would cost VA \$9.5 billion over four years. The current version would phase in veterans of other eras based on need, reducing the immediate impact on VA, Murray said.

Last year's bill (H.R.4892) never made it out of committee. Murray said cost should not be an issue, arguing that caregivers save the government billions by providing care that otherwise would have to be furnished by VA-funded nurses, home health workers or in-patient facilities. "It's unacceptable that we let caregivers and veterans handle this on their own," she said. Paralyzed Veterans of America (Paralyzed Veterans) applauded the introduction of the bill. "This legislation reflects the highest legislative priority for Paralyzed Veterans and our members," said Al Kovach, Jr., national president of Paralyzed Veterans of America. "It would

finally eliminate the unfair “date of injury” as an eligibility requirement and help provide caregivers of catastrophically injured veterans with the benefits and support they need. We thank Sen. Murray and Rep. Langevin for their support of this legislation.”

Currently the majority of Paralyzed Veterans members are excluded from these VA caregiver benefits because of the current date requirement. The law also excludes veterans with serious illnesses or diseases such as Amyotrophic Lateral Sclerosis (ALS) and Multiple Sclerosis (MS), both of which have a catastrophic impact on activities of daily living, and eventually leave veterans dependent upon caregivers. “The need for caregiver support services does not change for service-connected, catastrophically disabled veterans based on the date of injury. And no reasonable justification can be provided as to why pre-9/11 veterans with a service-connected injury or illness should be excluded from the comprehensive caregiver program,” said Kovach. “We encourage the Senate to take up and pass this legislation quickly and hope the House will follow suit soon after,” added Kovach. [Source: MilitaryTimes | Patricia Kime | April 27, 2015 ++]

VA Accountability Update ► H.R.473 Sent to HVAC / Provisions

A House subcommittee on 16 JAN approved legislation that would cap the number of Senior Executive Service members eligible for bonuses, and would give the VA secretary the power to strip pension benefits from department senior executives who are convicted of a crime that influenced their job performance. The 2015 Increasing the Department of Veterans Affairs Accountability to Veterans Act (H.R. 473) contains several provisions aimed at giving the VA secretary more tools to hold misbehaving senior executives accountable, but some of the provisions worry senior executives and their advocates. “We are concerned that the forced distribution of ratings at the outstanding and exceeds fully successful level challenges an underpinning factor of the SES system that agencies make meaningful distinctions in performance,” said Senior Executives Association President Carol Bonosaro in an 15 APR letter to Reps. Brad Wenstrup (ROH) and Mark Takano (D-CA), the chairman and ranking member, respectively, of the House Veterans’ Affairs Subcommittee on Economic Opportunity. “Senior executives face a high barrier of entry into the corps; therefore a normal distribution of performance should not be expected nor imposed.”

The subcommittee reported out H.R.473, along with several other bills affecting veterans, during a Thursday markup. The legislation, sponsored by House Veterans’ Affairs Committee Chairman Rep. Jeff Miller (R-FL) would:

- Allow no more than 30 percent of VA’s senior executives to receive top performance ratings and qualify for bonuses.
- Require senior executives to change jobs every five years to reinvigorate the idea of a mobile SES. Those job reassignments can happen on a rolling basis so that all VA senior executives aren't switching jobs at the same time.

- Allow the VA secretary to strip pension benefits from VA senior executives who are convicted of a crime that influenced their job performance, and then fired.
- Prevent senior executives about to be fired because they were convicted of such a felony, but who instead retire, from receiving their full retirement benefits.
- Allow the secretary to take away the government contribution portion of the pension for the time period in which the employee was engaged in behavior warranting removal. The rest would be returned to the employee in a lump sum. A third party entity would review the secretary's decision. Bonosaro said SEA supported that provision. "This provision should be narrowly tailored to ensure that the felony conviction is final (no pending appeals) and that the conviction is tied to their job (e.g., embezzlement of funds)," she said. "The legislation should also make clear that the pension clawback is only for the time period in which the felony is committed, as determined by the courts and not the secretary."
- Reduce to 14 days the amount of paid administrative leave for top department officials under investigation, unless the secretary can show good reason for extending that leave.

During Thursday's markup, Wenstrup made some changes to the bill based on input from the VA and other stakeholders, including adding a new requirement that senior executives' performance evaluations include a component assessing how effective SESers are at "employee engagement." Bonosaro said "it is unclear how efforts of an executive to maintain satisfaction and commitment among employees under their supervision would be assessed and measured for the purpose of informing an executive's performance appraisal. Further it is not unusual that executives seeking to improve performance may find themselves the subjects of union grievances or EEO complaints which are later found to have no merit." The legislation now heads to the full committee, where it could be further amended. [Source: GovExec.com | Kellie Lunney | April 16, 2015++]

VA Firing Authority ► H.R.1994 Applicable to All VA Employees

The head of the Veterans Affairs Department would have much more flexibility to fire corrupt or poor performing employees under a new bill introduced in the House on 23 APR. The legislation would give the VA secretary "sweeping new authority" to get rid of department employees engaged in misconduct, or who are poor performers, according to a statement from the bill's sponsor, House Veterans' Affairs Committee Chairman Rep. Jeff Miller (R-FL). The 2015 VA Accountability Act would make it easier to fire all misbehaving employees, not just top officials. The 2014 Veterans Access, Choice and Accountability Act, which became law last year, makes it easier to get rid of senior executives at the department engaged in wrongdoing.

Lawmakers and other stakeholders have grown increasingly frustrated that the department has not fired any employees in connection with the data manipulation and excessive wait times for

vets that erupted last year at the Phoenix, Ariz., facility. Problems involving data manipulation, mail mismanagement, drug over-prescriptions, and retaliation against whistleblowers have come to light since then at several other VA facilities across the country. According to Miller, VA has only attempted to discipline eight people for wait time manipulation. "From Philadelphia to Reno, Nev., to Nashville, Tenn., to Phoenix, VA's tradition of transferring problem workers, putting them on paid leave or simply allowing them to go virtually unpunished continues because current civil service rules make it extremely difficult to properly hold employees accountable," Miller said in a statement. "I know this because high-ranking VA officials – people who work directly for the secretary – have told me so behind closed doors."

The legislation would allow the secretary to remove any VA employee based on performance or misconduct; the employee could file an appeal to the Merit Systems Protection Board within seven days of his or her removal. MSPB would have to rule within 45 days of the appeal filing. The bill also would extend the probationary period for new VA employees from one year to 18 months, and allow the secretary to extend that even further. "When an employee's probationary period ends, their immediate supervisor would be required to make an affirmative decision that the employee is qualified for their position before full civil service protections are granted," according to a press release summarizing the bill. The legislation would include a provision limiting the secretary's authority to fire or demote an employee who is a whistleblower.

Several veterans' groups, including Veterans of Foreign Wars, Iraq and Afghanistan Veterans of America, and Concerned Veterans for America expressed support for the legislation. [Source: GovExec.com | Kellie Lunney | April 23, 2015 ++]

Board of Veterans' Appeals Update ► H.R.800 / VA Pilot Program

On February 20, 2015, Representatives Beto O'Rourke, Jeff Miller, Chairman of the House Veterans' Affairs Committee, and Ranking Member Corrine Brown introduced H.R. 800, the Express Appeals Act. The House Veterans' Affairs Subcommittee on Disability and Memorial Affairs held a hearing 14 APR, exploring the viability of this pilot program. DAV testified as to the value of implementing this new appeals processing option. The bill would authorize the Secretary of Veterans Affairs to carry out a five-year pilot program, creating an alternate appeals option for appellants. It would provide appellants with an option to have their appeals sent directly to the Board of Veterans' Appeals (BVA) bypassing some Veterans Benefits Administration's (VBA) appeal processing procedures. This pilot could save veterans, their dependents and survivors roughly 1,000 days of appeal processing.

H.R. 800 allows appellants to supply any additional evidence and supporting documents when filing their Notice of Disagreement to start their appeal for BVA review. Evidence submitted after voluntarily opting into the program would result in discontinuance of the program and the appellant would revert back to the standard appeal process. If BVA procures any additional

evidence, an appellant (and/or the appellant's representative) would receive copies of this evidence and be given time to respond with additional evidence.

DAV supports this bill, with several recommended changes, which the sponsor of the legislation is in agreement, including:

- Establish comprehensive VBA reporting requirements to evaluate the pilot program;
- Preserve and strengthen the Decision Review Officer review option; and
- Ensure appellants receive proper and adequate information to make a well informed decision before making a voluntary election to entry this pilot.

This pilot has the potential to bring about real reform within the VBA. Readers are encouraged to contact their Congressional representatives and ask them to cosponsor and support H.R. 800: the Express Appeals Act. An editable formatted message has been provided by DAV to assist you in doing this. If you do not want to change anything all you have to do is to complete the message's subject line. Click the following link to log in and send your message:

https://www.votervoice.net/BroadcastLinks/la_zk5efBOjv36E5vWK9Lg. [Source: Disabled American Veterans Action Alert | April 17, 2015 ++]

Following is a Summary of Veteran Related Legislation Introduced in the House and Senate since the Last Bulletin was Published

- H.R.1735: National Defense Authorization Act for Fiscal Year 2016. A bill to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for such fiscal year, and for other purposes. Sponsor: Rep Thornberry, Mac [TX-13] (introduced 4/13/2015)
- H.R.1769: Toxic Exposure Research Act of 2015. A bill to establish in the Department of Veterans Affairs a national center for research on the diagnosis and treatment of health conditions of the descendants of veterans exposed to toxic substances during service in the Armed Forces that are related to that exposure, to establish an advisory board on such health conditions, and for other purposes. Sponsor: Rep Benishek, Dan [MI-1] (introduced 4/14/2015) Related Bills: S.901
- H.R.1803: Veterans Back to Work Act of 2015. A bill to amend the Internal Revenue Code of 1986 to make permanent the work opportunity tax credit for veterans and to allow an exemption from an employer's employment taxes in an amount equivalent to the value of such credit in the case of veterans. Sponsor: Rep Poe, Ted [TX-2] (introduced 4/15/2015)
- H.R.1816: Vulnerable Veterans Housing Reform Act of 2015. A bill to exclude from consideration as income under the United States Housing Act of 1937 payments of pension made under section 1521 of title 38, United States Code, to veterans who are in

need of regular aid and attendance. Sponsor: Rep Heck, Joseph J. [NV-3] (introduced 4/15/2015)

- H.R.1818: Veteran Emergency Medical Technician Support Act of 2015. A bill to amend the Public Health Service Act to provide grants to States to streamline State requirements and procedures for veterans with military emergency medical training to become civilian emergency medical technicians. Sponsor: Rep Kinzinger, Adam [IL-16] (introduced 4/15/2015) Related Bills: S.453
- H.R.1843: VA Pilot Program to Improve Disabled Vet's Support. A bill to direct the Secretary of Veterans Affairs to establish a pilot program to improve access to supportive services and community coordination for families of disabled veterans. Sponsor: Rep Lawrence, Brenda L. [MI-14] (introduced 4/16/2015)
- H.R.1860: Publish VA Health Care Info. A bill to direct the Secretary of Veterans Affairs to publish information on the provision of health care by the Department of Veterans Affairs, and for other purposes. Sponsor: Rep Boustany, Charles W., Jr. [LA-3] (introduced 4/16/2015)
- H.R.1862: VA Outreach on Emergency Medical Care Delayed Payments. A bill to direct the Secretary of Veterans Affairs to conduct outreach to veterans regarding the effect of delayed payments of claims for emergency medical care furnished by non-Department of Veterans Affairs medical providers by the Chief Business Office and to direct the Secretary to submit to Congress an annual report regarding such delayed payments. Sponsor: Rep Boustany, Charles W., Jr. [LA-3] (introduced 4/16/2015)
- H.R.1863: Expand Veterans Access, Choice, and Accountability Act of 2014. A bill to amend the Veterans Access, Choice, and Accountability Act of 2014 to expand the Veterans Choice Program to veterans who would otherwise receive medical care from a deficient medical facility of the Department of Veterans Affairs. Sponsor: Rep Boustany, Charles W., Jr. [LA-3] (introduced 4/16/2015)
- H.R.1875: Filipino Veterans Recognition Act. A bill to extend the Filipino Veterans Equity Compensation Fund and to direct the Secretary of Veterans Affairs to accept certain documents as proof of service in determining the eligibility of a person to receive amounts from such Fund. Sponsor: Rep Heck, Joseph J. [NV-3] (introduced 4/16/2015)
- H.R.1899: Family Caregiver Services Program Injured Vet Eligibility. A bill to amend title 38, United States Code, to extend to all veterans with a serious service-connected injury eligibility to participate in the family caregiver services program. Sponsor: Rep Lawrence, Brenda L. [MI-14] (introduced 4/21/2015)
- H.R.1904: VA Master's Degree & Doctoral Degree Grant Program. A bill to require the Secretary of Veterans Affairs to award grants to establish, or expand upon, master's degree or doctoral degree programs in orthotics and prosthetics, and for other purposes. Sponsor: Rep Cartwright, Matt [PA-17] (introduced 4/21/2015)
- H.R.1909: Over 40 mile Vet Non-VA Health Care. A bill to require the Secretary of Veterans Affairs to use existing authorities to furnish health care at non-Department of Veterans Affairs facilities to veterans who live more than 40 miles driving distance from

the closest medical facility of the Department that furnishes the care sought by the veteran. Sponsor: Rep Culberson, John Abney [TX-7] (introduced 4/21/2015)

- H.R.1911: VA Vet Funeral Benefits Increase. A bill to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to increase certain veteran funeral benefits. Sponsor: Rep Hunter, Duncan D. [CA-50] (introduced 4/21/2015)
- H.R.1938: Ban VA OIG Secret Health Care Reports. A bill to amend the Inspector General Act of 1978 to increase transparency of the Inspectors General, and for other purposes. Sponsor: Rep Kind, Ron [WI-3] (introduced 4/22/2015)
- H.R.1948: VA Vet Child Care Assistance. To amend title 38, United States Code, to direct the Secretary of Veterans Affairs to provide child care assistance to veterans receiving certain medical services provided by the Department of Veterans Affairs. Sponsor: Rep Brownley, Julia [CA-26] (introduced 4/22/2015)
- H.R.1969: VA Family Caregiver Assistance Program Expansion. To expand eligibility for the program of comprehensive assistance for family caregivers of the Department of Veterans Affairs, to expand benefits available to participants under such program, to enhance special compensation for members of the uniformed services who require assistance in everyday life, and for other purposes. Sponsor: Rep Langevin, James R. [RI-2] (introduced 4/22/2015)
- H.R.1978: VA Veterans Conservation Corps. A bill to require the Secretary of Veterans Affairs to establish a veterans conservation corps, and for other purposes. Sponsor: Rep Polis, Jared [CO-2] (introduced 4/22/2015)
- H.R.1994: 2015 VA Accountability Act. A bill to amend title 38, United States Code, to provide for the removal or demotion of employees of the Department of Veterans Affairs based on performance or misconduct, and for other purposes. Sponsor: Rep Miller, Jeff [FL-1] (introduced 4/23/2015)
- H.R.2029: Military Construction and Veterans Affairs and Related Agencies Appropriations Act, 2016. A bill making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2016, and for other purposes. Sponsor: Rep Dent, Charles W. [PA-15] (introduced 4/24/2015)
- H.R.2046: VA Participation in Prescription Drug Monitoring Programs. A bill to amend title 38, United States Code, to improve the participation of the Department of Veterans Affairs in the prescription drug monitoring programs of the States. Sponsor: Rep Duffy, Sean P. [WI-7] (introduced 4/28/2015)
- H.R.2047: Expand Authority to Remove VA Employees. A bill to amend title 38, United States Code, to expand the authority of the Secretary of Veterans Affairs to remove senior executives of the Department of Veterans Affairs for performance or misconduct to include removal of certain other employees of the Department, and for other purposes. Sponsor: Rep Duffy, Sean P. [WI-7] (introduced 4/28/2015)
- H.R.2053: Reserve Component SBP Upgrade. To amend title 10, United States Code, to eliminate the different treatment under the Survivor Benefit Plan accorded members of the reserve components who die from an injury or illness incurred or aggravated in the

line of duty during inactive-duty training compared to members of the Armed Forces who die in the line of duty while on active duty. Sponsor: Rep Chaffetz, Jason [UT-3] (introduced 4/28/2015)

- H.R.2054: Women Vet Access to VA Medical Care. To amend title 38, United States Code, to provide for increased access to Department of Veterans Affairs medical care for women veterans. Sponsor: Rep Brown, Corrine [FL-5] (introduced 4/28/2015)
- S.901: Toxic Exposure Research Act of 2015. A bill to establish in the Department of Veterans Affairs a national center for research on the diagnosis and treatment of health conditions of the descendants of veterans exposed to toxic substances during service in the Armed Forces that are related to that exposure, to establish an advisory board on such health conditions, and for other purposes. Sponsor: Sen Moran, Jerry [KS] (introduced 4/13/2015) Related Bills: H.R.1769
- S.957: Veteran Entrepreneur Capital Access. A bill to increase access to capital for veteran entrepreneurs to help create jobs. Sponsor: Sen Shaheen, Jeanne [NH] (introduced 4/15/2015)
- S.979: Eliminate DIC Reduction of SBP. A bill to amend title 10, United States Code, to repeal the requirement for reduction of survivor annuities under the Survivor Benefit Plan by veterans' dependency and indemnity compensation, and for other purposes. Sponsor: Sen Nelson, Bill [FL] (introduced 4/16/2015) Related Bills: H.R.1591
- S.997: Aurora VAMC Authorization Extension. A bill to extend the authorization for the major medical facility project to replace the medical center of the Department of Veterans Affairs in Aurora, Colorado, to direct the Secretary of Veterans Affairs to enter into an agreement with the Army Corps of Engineers to manage the construction of such project, to transfer the authority to carry out future major medical facility projects of the Department from the Secretary to the Army Corps of Engineers, and for other purposes. Sponsor: Sen Gardner, Cory [CO] (introduced 4/16/2015)
- S.1021: VA Master's Degree Grant Program. A bill to require the Secretary of Veterans Affairs to award grants to establish, or expand upon, master's degree programs in orthotics and prosthetics, and for other purposes. Sponsor: Sen Durbin, Richard [IL] (introduced 4/21/2015) Related bills: H.R.1904
- S.1070: GI Bill Transfer Rule Clarification. A bill to amend title 38, United States Code, to provide for clarification regarding the children to whom entitlement to educational assistance may be transferred under Post-9/11 Educational Assistance, and for other purposes. Sponsor: Sen Durbin, Richard [IL] (introduced 4/23/2015)
- S.1082: Removal/Demotion of VA Employees. A bill to amend title 38, United States Code, to provide for the removal or demotion of employees of the Department of Veterans Affairs based on performance or misconduct, and for other purposes. Sponsor: Sen Rubio, Marco [FL] (introduced 4/23/2015)
- S.1105: Homeless Vet Dependent Children Caretaker Per Diem. A bill to amend title 38, United States Code, to authorize per diem payments under comprehensive service programs for homeless veterans to furnish care to dependents of homeless veterans, and for other purposes. Sponsor: Sen Heller, Dean [NV] (introduced 4/28/2015)

[Source: <https://beta.congress.gov> & <http://www.govtrack.us/congress/bills> April 29, 2015 ++]

Military 2016 Pay Raise ► HASC Backs 2.3%

A key House committee is quietly backing a 2.3 percent military pay raise next year, a full percentage point higher than what the Pentagon requested. But the House Armed Services Committee appears intent on not making a big deal about it — and the lack of strong supporting language could leave troops' paychecks lighter.

Rep. Mac Thornberry (R-TX), committee chairman, said his committee's draft of the 2016 defense authorization bill will not include any language regarding the military pay raise. Instead, the committee will tacitly abide by a law on the books for years that ties the military raise to average increases in private-sector wages. That would result in a 2.3 percent pay hike effective 1 JAN if the White House doesn't intervene. But President Obama's budget request calls for a smaller 1.3 percent pay raise — and he has authority to set the final figure if Congress doesn't specifically mandate something different.

Last year, the House also passed its defense authorization bill without any pay raise language, and the Senate backed Obama's lower proposed raise. The end result: Troops got a raise that was half a percentage point below the increase in average civilian pay. For an E-4 with three years of service, the difference between a raise of 1.3 percent and 2.3 percent totals about \$268 a year. For an O-4 with 12 years, it's about \$838.

Outside advocates have lamented the Pentagon's trims to pay hikes as lost money for troops, since their pay won't keep pace with their civilian counterparts or the rate of inflation. But Pentagon officials have argued the smaller pay raises are needed to keep training and modernization accounts solvent, arguing that poorly equipped and prepared service members are more of a danger than lesser-paid ones. The House committee's full draft of its version of the fiscal 2016 defense authorization bill is due out Wednesday. Senate and House appropriators are expected to weigh in on their military pay raise preferences in coming months. [Source: MilitaryTimes | Leo Shane | April 21, 2015 ++]

Medicare Card Update ► 'Doc Fix' Law Mandates SSN Removal

Concerned about the rising prevalence and sophistication of identity theft, most private health insurance companies have abandoned the use of Social Security numbers to identify individuals. The federal government even forbids private insurers to use the numbers on insurance cards when they provide medical or drug benefits under contract with Medicare. But Medicare itself has continued the practice, imprinting Social Security numbers on more than 50 million benefit cards despite years of warnings from government watchdogs that it placed millions of people at risk for financial losses from identity theft. That is about to change, after President Obama signed a bill last week that will end the use of those numbers on Medicare

cards. “The Social Security number is the key to identity theft, and thieves are having a field day with seniors’ Medicare cards,” said Representative Sam Johnson (R-TX), who pushed for the change with Representative Lloyd Doggett (D-TX).

The main purpose of the law, adopted with broad bipartisan support, was to overhaul the way doctors are paid for treating Medicare patients. But it makes other changes as well. One section that received little attention says Social Security account numbers must not be “displayed, coded or embedded on the Medicare card.” Congress provided \$320 million over four years to pay for the change. The money will come from Medicare trust funds that are financed with payroll and other taxes and with beneficiary premiums. In his budget for 2016, Mr. Obama requested \$50 million as a down payment “to support the removal of Social Security numbers from Medicare cards” — a step that federal auditors and investigators had been recommending for more than a decade. More than 4,500 people a day sign up for Medicare. In the coming decade, 18 million more people are expected to qualify, bringing Medicare enrollment to 74 million people by 2025.

New beneficiaries are often surprised, even shocked, to find that their Medicare cards carry their Social Security numbers. Medicare uses them as the primary means of identifying beneficiaries, placing the numbers on benefit cards along with one or two letters or digits that indicate the basis of a person’s eligibility. In moving to halt the practice, Congress was motivated by the proliferation of electronic health records and a rash of recent cyberattacks, including a data breach at Anthem, one of the nation’s largest insurers. Medicare officials have up to four years to start issuing cards with new identifiers. They have four more years to reissue cards held by current beneficiaries. They intend to replace the Social Security number with “a randomly generated Medicare beneficiary identifier,” but the details are still being worked out. “Changing to another number will be a humongous job,” said Ms. Rossie, a former Social Security claims representative. “But Medicare needs to recognize the terrible impact on anybody whose identity is stolen. It destroys your self-esteem, and it can take years to re-establish your identity and credit.” Members of Congress said the use of Social Security numbers on the cards provided a case study of bureaucratic inertia. Since 2004, the Government Accountability Office, an investigative arm of Congress, has repeatedly urged officials to curtail the use of Social Security numbers as identifiers. In 2007, the White House Office of Management and Budget told agencies to “eliminate the unnecessary collection and use of Social Security numbers” within two years.

In 2008, the inspector general of Social Security called for immediate action to remove the numbers from Medicare cards, saying their display “unnecessarily places millions of individuals at risk for identity theft.” In that same year, the Defense Department and the Department of Veterans Affairs began carrying out elaborate plans to remove Social Security numbers from their identification cards. But the Department of Health and Human Services, which supervises the agency that administers Medicare, has “lagged behind other federal agencies,” the Government Accountability Office said. Senator Susan Collins (R-ME) and chairwoman of the Senate Special Committee on Aging, said she was puzzled by the delays. “This still does not

appear to be a priority” for Medicare administrators, she said. Medicare officials said their top information technology specialists had been preoccupied with efforts to build and repair <http://www.healthcare.gov>, the online system for buying health insurance under the Affordable Care Act, which was overcome by technical problems soon after it began operating 18 months ago.

An internal report cites concerns about “the budgetary and logistical challenges of removing Social Security numbers from Medicare cards.” The agency depends on more than 200 computer systems and pays more than a billion claims a year from 1.5 million health care providers. AARP, the lobby for older Americans, and the National Committee to Preserve Social Security and Medicare said they supported the new prohibition. “Older adults are targeted by fraud artists, who use their Social Security numbers to get loans and credit cards,” said Amy E. Nofziger, manager of the fraud prevention program at AARP. In one case described by Stephen R. Wigginton, the United States attorney for the Southern District of Illinois, a hospital employee and a former employee were convicted of stealing personal information from the charts of older patients and then using the data to apply for credit cards in the victims’ names. The former employee was caught on camera at a store using a credit card obtained with the personal information of a 90-year-old woman who had been admitted to the hospital from an assisted living center. [Source: New York Times | Robert Pear | April 20, 2015 ++]

Medicare Reimbursement Rates 2015 ► Doc Fix Becomes Law

In a Congress known for enacting temporary stopgap measures while repeatedly kicking the proverbial can down the road, legislators did something permanent this week. On 14 APR, the Senate, by an overwhelming 92-8 vote, passed the Medicare Access and CHIP Reauthorization Act of 2015, a Medicare overhaul bill commonly known as the “doc fix.” The bill, which the House passed last month with 392 votes, will end the annual threats of Medicare-reimbursement cuts to doctors stemming from the 1997 Sustainable Growth Rate (SGR) law.

Since physicians who agree to accept Medicare reimbursement rate must accept TRICARE patients, this removes the threat of reduced physician access to the military community. Under SGR, Medicare’s budget was calculated by linking Medicare spending to economic growth. This became problematic once health care costs began rising faster than the growth of the economy — meaning, physicians were regularly at risk of Medicare reimbursement cuts. So, 17 times over the last 14 years, Congress passed temporary “doc fixes” to protect physician reimbursements. The new measure eliminates the need for these fixes by repealing the SGR law. The bill adds at least \$141 billion to the federal deficit over the next 10 years. Senator Mike Lee (R-UT) introduced an amendment removing the bill's exemption from the 2010 Statutory Pay-As-You-Go Act (PAYGO) which requires spending increases be offset by savings elsewhere within the same legislative session. The amendment failed 42-58. Additionally, Senator

John Cornyn (R-TX) proposed paying for the bill by repealing ObamaCare's individual mandate; this amendment, which needed 60 votes to pass, failed 54-45.

The president signed the bill into law 1 APR. The bill entrenches government even more in the exam room through increased federal controls and a national link-up of patient electronic health records (EHRs).

- First, the bill offers physicians two questionable payment models: either a Merit-based Incentive Payment System (MIPS), under which physicians will be paid based on how well they comply with certain federal quality metrics (metrics which have yet to be determined), or an "alternative payment model" in which a group of doctors band together to receive lump-sum payments to care for patients. If those physicians can deliver the care for less while meeting the "quality metrics," then they benefit from some of the leftover funds.
- Second, the bill paves the way road for mandatory connectivity of patient data nationwide. Section 106(b) states, "Congress declares it a national objective to achieve widespread exchange of health information through interoperable certified EHR technology nationwide by December 31, 2018." In other words, this doc fix requires EHRs to become "interoperable" so Americans' private medical information can be shared nationwide. That could improve convenience for referrals, but, given the security performance of Healthcare.gov, it's not terribly comforting to know medical records could be hacked. [Source: The Patriot Post | Allyne Caan | April 16, 2015 ++]

From Congressman Rick Nolan's Monday Report:

A Vet's Honor Delayed – But Not Denied

When deserving Veterans don't receive medals they have earned in service to our nation due to mistake or an oversight at the Pentagon, our office is honored to step in – and that's exactly what we did for former U.S. Army Private First Class Joel Heller, who had been waiting for more than 10 years to be recognized for his service and sacrifice in Iraq, Kosovo, Bosnia and immediately following the events of September 11, 2001. What an honor it was to invite Joel and his family – including his parents, his brother, his wife and his young son Noah and so many other friends – to our office last week for the official presentation of four medals in addition to his Purple Heart: The Army Service Ribbon, the Armed Forces Reserve Medal, the National Defense Service Medal and the Armed Forces Expeditionary Medal.

In his eloquent acceptance, Joel said he's most proud of the Expeditionary Medal because it's reserved for an operation for which no other U.S. campaign medal is approved – and where foreign armed opposition or imminent threat of hostile action was encountered. Noah, a second grader in Duluth, helped pin the medals on his dad's chest – and there wasn't a dry eye in the room.

Presidents Washington and Lincoln were both fond of pointing out that how we treat today's Veterans will determine how willing future generations will be to step up when they are called upon to defend our nation. If you believe you have earned a military medal or recognition but haven't received it, please feel free to call our office at 218-464-5095. We're happy to help.

VA Secretary Waives Resident-Rate Requirements of the Choice Act through December, 2015

Ensures Continued GI Bill Benefits for Students While States Work to Comply with New Law

WASHINGTON – In order to make it easier for Veterans and their families to receive their GI Bill benefits where they choose, the Secretary of Veterans Affairs has used his authority to waive the provisions of Section 702 of the Veterans Access, Choice and Accountability Act of 2014 (Choice Act). This action will ensure all GI Bill® students are able to continue training at their chosen institutions. Under Section 702, VA must disapprove education programs at public institutions for Post-9/11 GI Bill and Montgomery GI Bill-Active Duty (MGIB-AD) benefits if a school charges certain individuals tuition and fees in excess of the resident rate for terms beginning after July 1, 2015.

VA recognizes that the time allotted for states and territories to comply with Section 702 of the Choice Act is challenging for some states and schools due to the process required to make legislative and/or policy changes. This limited waiver by Secretary McDonald covers programs that are not in compliance for all terms beginning prior to January 1, 2016, in order to allow time for non-compliant states and territories to make the requisite legislative and policy changes. VA is requesting all currently non-compliant states and territories to submit their plans to become compliant to VA, through their State Approving Agency, no later than June 15, 2015.

"Our military members and their families make sacrifices that require them to pack up and move with little notice," said Bob McDonald, Secretary of Veterans Affairs. "They shouldn't be penalized after they leave military service by burdensome residency requirements. This waiver will allow students to continue receiving the GI Bill benefits they've earned as states work to comply with this important law."

VA has provided technical assistance to numerous states and many have reached compliance. A list of states that are in compliance is posted on the GI Bill website. VA will update the list as states become compliant.

In general, the resident-rate provisions of the Choice Act cover Veterans, as well as their spouses and children, using Post-9/11 GI Bill or MGIB-AD who live in the state where they are attending school and who enrolled within three years of the Veteran's qualifying discharge. To remain approved, schools must charge tuition and fees at the resident rate to these covered individuals.

For more information on GI Bill resident-rate requirements and to see which states comply, visit the GI Bill website at <http://www.benefits.va.gov/gibill/702.asp>. Updates will also be posted on the GI Bill Facebook page at <https://www.facebook.com/gibillEducation>.